



Wisconsin State Senate

Testimony of Senator Jim Sullivan, Senate Bill 116

Wednesday, July 11, 2007

Wisconsin State Senate: Committee on the Judiciary

Good morning Chairperson Taylor and members of the committee. Thank you for allowing me to testify today on the piece of legislation before you today, which seeks to provide an escalating penalty schedule on repeat drunk driving offenders. I hope that the committee will respond positively to what I consider to be a very important issue for the communities we represent and the state as a whole.

One of our most important charges is to ensure the public safety. There can be divergent opinions about how we as a society can best ensure the safety of our families and communities, but we all have the same goals. Citizens of Wisconsin have the right to feel safe in their homes and on their streets, and those who threaten that safety should be held accountable.

This bill addresses the problem of repeat drunken driving, and the relatively stagnant penalties that currently exist. Right now, after the sixth repeat offense, the penalties for each additional offense remain the same: a Class H felony with a fine of not less than \$600 and not more than \$10,000 and imprisonment for not less than six months or more than six years, or both. This bill increases the penalties after the 8th offense and then again after the 10th offense, allowing the courts to put people away who flagrantly evidenced either an unwillingness or inability to learn from their mistakes and who continue to put the public at risk.

It is an incremental step, but an important one in terms of combating the scofflaw problem of repeat drunken driving. Drinking and driving is a crime that can cause damage and destroy lives, and there are those who seem to have no regard for the laws currently on the books. In order to show that this state is serious about cracking down on drunk drivers, we should pass this legislation and the legislation offered by Senator Lehman that you will hear about today. It is my hope that with the support of the committee, we can pass these bills and quickly get them to the Governor's desk in order to start putting away repeat drunk drivers so we can save lives. We should not wait another moment to do this.

Thank you again for the opportunity, and I'll be happy to take any questions.





ANTHONY J. STASKUNAS

STATE REPRESENTATIVE • 15TH ASSEMBLY DISTRICT

Statement of Rep. Tony Staskunas, SB116
Senate Committee on Judiciary and Corrections
July 11, 2007

Madam Chairperson and members thank you for allowing me the opportunity to share with you my support for Senate Bill 116.

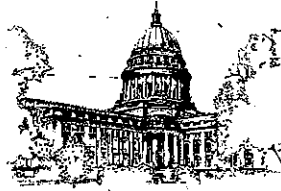
Last year I started noticing news reports of individuals being convicted of multiple OWI offenses. Not their third or fourth, but their 13th or 14th conviction. Shocked that we actually have drivers back on our roads that have been convicted so many times of OWI offenses, I looked into the penalties for this many multiple offenses. I learned that criminal penalties for drunk drivers in our state do not increase beyond the 5th OWI conviction.

A person convicted of their 15th OWI faces the same penalties as a person convicted of their 5th OWI offense. Even if a Judge wants to impose more prison time, they are unable to under current state law.

Unfortunately, cases of drivers being convicted of such significant multiple offenses are not uncommon. Here are a few examples:

- Mark Johnson, 14th & 15th OWIs, December 2005, Fond du Lac County, 3 years confinement for each count
- Kim Liebrecht, 12th OWI, October 2006, Washington County, 4 ½ years confinement
- Daniel Nordell, 13th OWI, March 2006, Waupaca County, 3 years confinement
- David Norsman, 13th, 14th, & 15th OWIs, February 2006, Dane County 4 ½ years confinement

Through Senate Bill 116, Senator Sullivan and I are proposing to increase penalties incrementally. For the eight, ninth or tenth OWI offense, the penalties would be a class G felony, a fine of not more than \$25,000 and imprisonment for not more than ten years or both. For an 11th or subsequent OWI offense, the penalties would be a class F felony, a fine not more than \$25,000 and imprisonment for not more than 12 and ½ years or both.



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The most recent data we have been able to obtain from the DOT shows that in 2002 there were a total of 33,983 OWI convictions. Of these convictions those above the fifth in 2002 were:

2002

Number of OWI
convictions

of offenders

6	234
7	76
8	27
9	10
10	3
11	4
12	2
13	1

We must do something to stop this destructive pattern of alcohol abuse and dangerous driving. One would hope that by the 5th conviction the driver would either stop driving or stop drinking. Unfortunately, we have discovered that this is not always the case.

Clearly, there are people who are either unable or unwilling to reform themselves. If a person makes the choice to repeatedly drive while intoxicated, we simply have no recourse other than to lock them up to protect the health and safety of everyone else on our roadways.

Last October during court proceedings for an individual facing his 12th OWI the Washington County DA, Todd Martens said, "I don't think the maximum allowable sentence is adequate to do justice, but it's all the law will allow. "

We ask you today to give our Judges the ability to send these habitual drunk drivers to prison for a longer sentence if they feel it is necessary to protect the rest of us who use our roadways.

Madam Chairperson and members, thank you for your consideration of this proposal.

2004

5. Man convicted of drunken driving for 15th time

December 27, 2005 •• 464 words •• ID: fnd14950302

A Fond du Lac man will spend six years in prison following his conviction on his 14th and 15th drunken driving charges. Fond du Lac County Circuit Court Judge Richard J. Nuss sentenced Mark A. Johnson, 52, of 6373 Sycamore Drive, on Dec. 16 to three years in prison -- the maximum allowed -- on each felony charge after Johnson pleaded no contest. A charge of operating a vehicle while under the influence becomes a felony at the fifth offense and carries a maximum prison term of three **BUY**



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Man sentenced in 12th drunken driving offense

Judge was prosecutor for first one, in 1979

By DAN BENSON

dbenson@journalsentinel.com

Posted: Oct. 13, 2006

West Bend - A West Bend man was sentenced Friday to 4 1/2 years in state prison for his 12th drunken driving offense by a judge who was the prosecutor in the man's first brush with the law as a juvenile in 1979.

Advertisement "Hopefully, I will be involved in your last," Washington County Judge David C. Resheske, who was Waukesha County's juvenile prosecutor in 1979, told Kim F. Liebrecht, 44, before sentencing him to the maximum allowed by law.

But, citing a 27-year record of alcohol and drug abuse and criminal activity, Resheske said, "There is nothing in this history that makes me optimistic that it is going to be the last."

Liebrecht pleaded guilty in August to attempting to flee or elude an officer and operating a vehicle while intoxicated. Both are felonies.

According to a criminal complaint, Liebrecht was stopped by a Germantown police officer about 8:30 p.m. July 2 while traveling south on Highways 41/45 at Lannon Road. While the officer was checking Liebrecht's driving record, Liebrecht drove away and led the officer on a chase that reached speeds of 110 mph into Menomonee Falls, finally exiting at Silver Spring Drive, the complaint says.

Liebrecht headed west on Silver Spring, and Milwaukee police joined the chase, which again exceeded 100 mph. Liebrecht was stopped in the 15300 block of Silver Spring Drive after running over spike sticks, puncturing his tires. Liebrecht had a blood-alcohol level of 0.17, according to the complaint. The state considers 0.08 to be evidence of intoxication.

Washington County District Attorney Todd Martens asked Resheske to give Liebrecht the maximum sentence.

"I don't think the maximum allowable sentence is adequate to do justice, but it's all the law will allow," Martens said.

A tearful Liebrecht apologized "to the court, to my family and to the community. I'm done being a disappointment."

According to a pre-sentence investigation, Liebrecht has been able to maintain steady work and was described by his former employer and ex-wife, who were in court Friday, as "leading a pro-social and productive life despite his addiction to alcohol and drugs."

William Mayer, Liebrecht's lawyer, quoting from the pre-sentence investigation, said that Liebrecht's friends and family, including his ex-wife, consider him to be "hard-working, responsible, dependable, caring, loving and warm-hearted."

"You wouldn't expect those characterizations to be present in someone with 12 OWI convictions," Mayer said.

The judge called Liebrecht's work history "surprising" for someone with such serious substance abuse problems.

"But bottom line, you are a danger to the public," Resheske said. "If this conduct continues, you will end up before me or some other judge for homicide. I'm not going to have it on my conscience that somebody died because I didn't do what I could to protect the public."

From the Oct. 14, 2006 editions of the Milwaukee Journal Sentinel
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This is a printer friendly version of an article from the **Appleton Post-Crescent**

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Man faces his 13th drunken-driving charge

Latest arrest comes one month after prison term ends

By Dan Wilson

Post-Crescent staff writer March 31, 2006

WAUPACA — A Wautoma man was charged Wednesday in Waupaca County Circuit Court with drunken driving — his 13th arrest on the charge in the past 12 years.

The arrest came just one month and three days after he was released from prison on his 12th conviction.

Judge John Hoffmann put Daniel W. Nordell, 52, under a \$5,000 signature bond at his initial appearance on the felony operating while intoxicated charge, which carries a maximum penalty of three years in prison and three years of extended supervision.

Nordell also is charged with operating after revocation.

Nordell remains in jail on a probation hold because he still was on extended supervision from his previous offense. Records indicate Nordell was released Jan. 31 from prison, where he served a three-year sentence on his previous drunken-driving conviction.

Kari Kinnard, executive director of MADD Wisconsin, the anti-drunken-driving advocacy group, said cases like this demonstrate that incarceration often is not enough to prevent repeat offenses and that some kind of treatment component needs to be included in sentences.

"Including an in-patient treatment program would be beneficial and studies have proved that intensive treatment reduces recidivism," said Kinnard. "It is about changing behaviors, and treatment is a critical part of that. And treatment has to be comprehensive and monitored."

At Wednesday's court proceeding, Nordell waived his right to a preliminary hearing on the charge.

Nordell was arrested March 2 in Waupaca when he was found driving backward up a city street.

When police stopped him, he told police the car wouldn't operate in the forward gears.

A blood test revealed Nordell had a blood-alcohol concentration of 0.106 percent. Wisconsin's legal limit for a first-time offense is 0.08, although the blood-alcohol threshold is lower for subsequent offenses.

According to his driving abstract, Nordell's drunken-driving binge began in 1994 when he

racked up five OWI arrests in nine months.

The state does not track individual driving records to determine who has the record for OWI citations, but Post-Crescent archives include the story of a rural Waupaca man who was arrested 21 times on charges of drunken driving. He was convicted of 17 of the charges. His last arrest for drunken driving was in 1994.



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Prison for man with 15 drunk driving convictions

ED TRELEVEN etreleven@madison.com

February 9, 2006

Three drunken driving arrests within two months, leading to his 13th, 14th and 15th convictions, will send a Spring Green antiques dealer to prison for 4 years, a Dane County judge said Thursday.

Officially, David Norsman, 47, was sentenced to prison for his fifth, sixth and seventh drunken driving convictions, because of the way the state of Wisconsin counts them. And Norsman still has two drunken driving cases in other counties to be decided.

"It's been a disappointment in terms of how he wants to desperately not be influenced by the use of alcohol but he continually falls off the wagon," said Norsman's attorney, Gerald Opgenorth. "He represents an adult version of hopeless and helpless."

Norsman told Circuit Judge James Martin that he has been an alcoholic for 34 years, though he managed to stop drinking between the ages of 21 and 37.

"All I've ever wanted to do was get back to that time when I wasn't drinking," said Norsman, who runs an antiques business in Lone Rock and rental properties elsewhere.

Martin sentenced Norsman on Thursday on consolidated charges from three counties. Each of the three drunken driving charges for which he was sentenced were for arrests in October and December 2004. On Aug. 9, Norsman pleaded no contest to two Dane County drunken driving charges and one from Richland County. He also pleaded no contest to a Sauk County charge of driving after his license was revoked.

In addition to the prison time, Norsman will spend eight years on extended supervision, followed by two years of probation for a bail jumping conviction. He was also fined \$600, plus court costs, on each of the drunken driving convictions.

But that won't be the end of Norsman's troubles. Norsman was arrested last year for drunken driving in Rock County on Jan. 26 and in Iowa County on Aug. 27, just weeks after he pleaded no contest to the Dane and Richland county drunken driving charges. He was free then on bail. In Rock County, Norsman also faces a charge of second-degree recklessly endangering safety, among other charges.

While Norsman has 15 drunken driving convictions, a 1989 change in state law wiped most pre-1989 convictions off the books after 1999.

"You are very fortunate in some ways," Martin told Norsman, "that you haven't killed yourself or that you haven't killed somebody else."

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